**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE SIDE**
**CIVIL APPLICATION NO. 2594 OF 2003**
IN
**WRIT PETITION NO. 7030 OF 1999**

Shri. Mhatoba alias Bhairavnath Deosthan ... Applicant

Vs.

Shri. Jawahar Ratanchand Shah and others ... Respondents

Mr. S.B. Deshmukh for Mr. A.V. Anturkar for Applicant.

Mr. M.B. Badkar for Respondent.

CORAM : F.I. REBELLO,J.
DATED : AUGUST 11, 2004

P.C. :

1. This is an application on behalf of the applicants the Respondent No. 1 in the original Petition for varying the order dated 10.01.2001 continuing ad interim relief granted in terms of Prayer Clause (b). Prayer Clause (b) reads as under :

"Pending the hearing and final disposal of the petition, the operation of the Judgment and order dated 27.1.1999 be stayed."

2. The Judgment impugned is order dated 27.1.1999. The operative part of the said order reads as under

:

"The revision application is hereby dismissed. As stated in the body of the judgment the file is not required to be sent for a fresh enquiry."

3. The learned counsel for the Applicant is right. That there can be no stay of the said order where the revision application was dismissed. IN the light of that ad interim stay granted on 9.10.2000 and continued on 10.1.2001 is recalled.

4. It will be open to both the parties to apply for appropriate interim relief which they may be entitled to in law. Pending such application, status quo as existing today to continue for the further period of four weeks.

5. Civil Application No. 1849 of 2004 be placed before regular court which is assigned the work of writ petitions.

6. With above, Civil Application stands disposed off.

(F.I. REBELLO,J.)